IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 24664 of 2003

Between:

T.Chandi Rani, d/o late T.Ramachander,
R/o H.No.8-3-803/K/5, Near Satya Sai Nigamagamam,

Sri Nagar Colony, Hyderabad. ..... PETITIONER

AND

1 The State Bank of India, Khairatabad Branch, Hyderabad, rep., by its

Chief Manager.

2. Authorized Officer, Under Securitisation & Reconstruction of Financial

Assets and Enforcement of Security Interest Act, 54 of 2002, State

Bank of India, Khairatabad Branch, Hyderabad Circle, Hyderabad.
3 The State Bank of India, Zonal Office, Bank Street, Koti, Hyderabad

rep., by its Chief General Manager.
4 M/S.C.V.V.Chemical Industries, H.No.6-2-920, Opp. to State Bank of

India, Khairatabad Branch, Khairatabad, Hyderabad-500 004, rep.

by T.Sesha Sai.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction more particularly one in nature of writ of mandamus to declare the action initiated by the 1st and 2nd respondents under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (Act.No.54 of 2002) for the loan obtained by Respondent No.4 for an amount of 6 lakhs and odd as bad illegal and contrary to Sec.31h of the Act, as the Act is not applicable to the loan obtained by the 4th respondent through loan Ac.No.01660060301 from the 1st respondent for which the petitioner stood as guarantor and consequently to set aside all the actions taken in pursuance of the Notice issued under Sec.13(2) of the Act, dt.26-2-2003, and further to release the house property bearing No.8-3-833/K/5, near Satyasai Nigamagagam, Srinagar Colony, Hyderabad, which is alleged to have been taken possession through notice dt.17-7-2003, of the 2nd respondent, in the interest of justice.

Counsel for the Petitioner : Mr.B.SUDHAKAR REDDY

Counsel for Respondents 1 to 3 : Mr.K.S.MURTHY, S.C. FOR S.B.I.

Counsel for Respondent No.4 : Mr.M.NARENDER REDDY

The Court made the following :

ORAL ORDER (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is therefore, dismissed. No costs.

DEVINDER GUPTA, CJ

C.V.RAMULU, J

Date: 14.9.2004

VR

To

1 The Chief Manager, State Bank of India, Khairatabad Branch,

Hyderabad.

2. The Authorized Officer, Under Securitisation & Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 54 of 2002,

State Bank of India, Khairatabad Branch, Hyderabad Circle,

Hyderabad.

3 The Chief General Manager, State Bank of India, Zonal Office, Bank

Street, Koti, Hyderabad.

4 Two CD copies.